

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CRIMINAL NO. 4:11-CR-062**
:
v. : **(Judge Conner)**
:
JEREMY T. BRASHEAR :

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

Pending before the Court is a motion (Doc. 38) submitted by counsel for Defendant Brashear requesting the court enter an order for psychiatric or psychological evaluation of Mr. Brashear pursuant to 18 U.S.C. Section 4241(a) and (b). Upon consideration of said motion, the court find it is appropriate to enter the following order.

NOW, THEREFORE, it is hereby ORDERED as follows:

1. Counsel for Defendant Brashear is authorized to retain the services of Dr. Frank M. Dattilio, Ph.D., ABPP, to perform a psychological evaluation pursuant to 18 U.S.C. § 4241(a).
2. Dr. Dattilio shall be paid for his services at the rate of \$250.00 per hour with a \$2,500.00 retainer to be paid prior to beginning the evaluation.
3. The report created as a result of the evaluation shall specifically address the question of whether Mr. Brashear is currently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.
4. The report of Dr. Dattilio shall be filed with the court pursuant to 18 U.S.C. § 4247(b) and (c).

5. In light of the ordered examination, the jury selection and trial date currently scheduled is hereby continued. Jury selection and trial will be rescheduled once the evaluation has concluded and any hearing pursuant to § 4247(d) has been conducted.
6. The court specifically finds, pursuant to 18 U.S.C. § 3161(h)(7)(A) that the ends of justice are served by granting this continuance and the best interest of the public and the Defendant are outweighed by the granting of a continuance.

OR

1. It is hereby directed that Defendant Brashear shall be transferred from Columbia County Prison to an appropriate federal facility for the purpose of undergoing an evaluation to determine his mental competency insofar as whether he is able to understand the nature and consequence of the proceedings against him or to assist properly in his defense.
2. The ordered evaluation shall be conducted by a licensed or certified psychiatrist or psychologist.
3. Once transferred to the appropriate facility, Mr. Brashear shall remain at the facility for a reasonable period of time, not to exceed thirty (30) days, unless the Director of said facility shall apply to the court for a reasonable time extension upon showing of good cause that the additional time is necessary to observe and evaluate the Defendant.
4. Upon completion of the examination and evaluation, a psychiatric or psychological report shall be prepared and filed with the court with copies provided to counsel for the person examined and the attorney for the government, and shall be created in accordance with § 4247(c).
5. In light of the ordered examination, the jury selection and trial date currently scheduled is hereby continued, to be rescheduled once the evaluation has concluded, and any hearing pursuant to § 4247(d) has been conducted.

6. The court specifically finds, pursuant to 18 U.S.C. § 3161(h)(7)(A) that the ends of justice are served by granting this continuance and outweigh the best interest of the public and the Defendant in the speedy trial. The Clerk of Court shall exclude the appropriate time in the captioned action pursuant to the Speedy Trial Act and this Order.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge

Dated: May 16, 2012